

*SUMMARY*

Claims 1-48 are presently pending in the instant application.

*RESPONSE TO RESTRICTION REQUIREMENT*

In the Office Action, the Examiner divided the claims into 7 groups:

Group I (claims 1-5, 38, and 41-48);

Group II (claims 6-12 and 39);

Group III (claim 13);

Group IV (claim 14);

Group V (claim 15);

Group VI (claims 16-26 and 40); and

Group VII (claims 27-37).

Applicant hereby elects Group I.

The Examiner has also required that Applicants elect a species to which the claims may be restricted if no generic claim is finally held to be allowable:

Applicant hereby elects the species represented by the shorthand notation:

ImImHpPy- $\gamma$ -ImPyPyPy- $\beta$ -Dp.

This species is described in the specification, e.g., on page 14, first paragraph, and in figure 1. This species reads on claims 1-4, 6-9, 12, 13, and 41-48.

Notwithstanding the foregoing, Applicant respectfully traverses this restriction and asserts that the examination of Groups I, II, VI and VII can be made without serious burden on the Examiner. Under present practice, there are two requirements for a proper requirement for restriction:

- (1) The inventions must be independent or distinct as claimed; and
- (2) There must be a serious burden on the examiner if restriction is not required. *See, e.g.,* MPEP § 803 (“If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions”).

No serious burden has been demonstrated, or indeed even alleged, in the restriction requirement. For example, the claims of Group I relate to hairpin polyamides having from 6 to 12 rings (*i.e.*,  $m=3$  to 6). With respect to Group II, which relates to hairpin polyamides having 8 rings, a search for Group II will be completed during the search for Group I. Similarly, the searches for Groups VI and VII, which relate to hairpin polyamides having 10 rings and 12 rings, respectively, will also be completed during the search for Group I. Moreover, it does not appear that a serious burden exists for the Examiner on other grounds.

Furthermore, Applicant disagrees that the groups are independent and/or distinct. For example, as noted in the Restriction Requirement, each of these groups is classified in the same classes and subclasses. Additionally, while the Examiner contends that “[a] search for each of these polyamide embodiments thus includes a search for independent genes, *etc.*,” as discussed above, the search for each of Groups II, VI, and VII will be performed during the search for Group I. Thus, Applicant respectfully requests that the Examiner withdraw the restriction requirement and consider the patentability of Groups I, II, VI, and VII.

### CONCLUSION

In view of the foregoing remarks, Applicant respectfully submits that the pending claims are in condition for allowance. An early notice to that effect is earnestly solicited. Should any matters remain outstanding, the Examiner is encouraged to contact the undersigned at the address

and telephone number listed below so that they may be resolved without the need for additional action and response thereto.

Respectfully submitted,

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